

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KTM AG,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED ON
SCHEDULE A HERETO,

Defendants.

Case No. 24-cv-8124

Judge Virginia M. Kendall

Magistrate Judge Beth W. Jantz

**PLAINTIFF'S RENEWED MOTION FOR A TEMPORARY RESTRAINING
ORDER AS TO THE DEFENDANTS IDENTIFIED IN SCHEDULE A**

Plaintiff, KTM AG (“Plaintiff”) hereby moves this Honorable Court for entry of a renewed Temporary Restraining Order (“TRO”) against the defendants identified in Schedule A for the reasons set forth below:

1. On September 6, 2024, Plaintiff filed a Complaint against the 250 defendants identified on Schedule A [Dkt. No. 8] for trademark infringement and counterfeiting (Count I); false designation of origin (Count II) and violation of the Illinois Deceptive Trade Practices Act (Count III). [Dkt. No. 1].
2. On September 9, 2024, Plaintiff filed an *Ex Parte* Motion and supporting memorandum for entry of a TRO against Defendant Nos. 1-230, which are located on the AliExpress e-commerce platform and Defendant Nos. 231-250, which are located on the Alibaba e-commerce platform. [Dkt. Nos. 11, 12].
3. On September 10, 2024, this Court granted Plaintiff’s Motion for Entry of a TRO

to remain in place up to and including September 24, 2024. [Dkt. Nos. 34, 35].

4. Paragraphs 5 and 6 of the TRO directed the e-commerce platforms of AliExpress and Alibaba to enact a restraint on defendants' accounts and to provide Plaintiff with the account information associated with the defendants located on their platforms. [Dkt. No. 35, ¶¶ 5, 6].
5. On September 12, 2024, Plaintiff emailed a subpoena and copies of the TRO to the e-commerce platforms of AliExpress and Alibaba requesting they provide the contact information and enact a restraint on the accounts of the defendants located on their platforms.
6. On September 19, 2024, Plaintiff filed a Motion to Extend the TRO for an additional fourteen (14) days [Dkt. No. 37] which was granted on September 20, 2024, and extended the TRO up to and including October 10, 2024. [Dkt. No. 39].
7. Having not received the account information or received confirmation from the e-commerce platforms of AliExpress and Alibaba that a restraint had been enacted on the accounts of the defendants located on their e-commerce platforms, Plaintiff filed a Motion for a Second Extension of the TRO on October 7, 2024 [Dkt. No. 40] which extended the TRO an additional fourteen (14) days or up to an including October 24, 2024. [Dkt. No. 43].
8. Having not received compliance with the TRO, on October 21, 2024, Plaintiff filed a Motion to Compel the e-commerce platforms of AliExpress and Alibaba to provide the account information for the defendants on their platforms and enact a restraint on their accounts. [Dkt. No. 44].
9. On October 29, 2024, the Parties appeared before this Court for presentment of

Plaintiff's Motion to Compel, whereby this Court entered a briefing schedule whereby the e-commerce platforms are provided until November 19, 2024, to file their response and Plaintiff is granted until December 10, 2024, to file its reply. This matter is set for hearing on January 28, 2025, at 9:30a.m.

10. Plaintiff respectfully requests this Court to enter a TRO for the reasons of record, or in the alternative, to extend the TRO that was entered on September 10, 2024 [Dkt. No. 35] which directed the e-commerce platforms of AliExpress and Alibaba to provide Plaintiff with the contact and account information of the defendants located on their platforms and to enact a restraint on the defendants' accounts.
11. Plaintiff requests that the TRO remain in effect until this Court has ruled on Plaintiff's Motion to Compel. [Dkt. No. 44].
12. Plaintiff requests any other relief this Court deems just.

Respectfully submitted,

Dated: October 29, 2024

By: s/Michael A. Hierl
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing Motion was filed electronically with the Clerk of the Court and served on all counsel of record and interested parties via the CM/ECF system on October 29, 2024.

/s/ Michael A. Hierl